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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/765,558  | 01/26/2004  | Gajendra Shukla      | 034421-000178       | 8147             |
| 7590  | 06/24/2005  |                      | EXAMINER            |                  |
| Robert E. Krebs<br>Thelen Reid & Priest, LLP<br>P.O. Box 640640-0640<br>San Jose, CA 95164-0640 |             |                      |                     | CHO, HONG SOL    |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2662                 |                     |                  |

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |
|------------------------------|-----------------|---------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 10/765,558      | SHUKLA ET AL. |
|                              | Examiner        | Art Unit      |
|                              | Hong Cho        | 2662          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 April 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 2 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04252005.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This office action is a response to the amendment filed on 4/25/2005. Claims 1 and 2 are pending in the instant application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al (U.S 5812531), hereinafter referred to as Cheung in view of Ritter et al (U.S 5570084), hereinafter referred to as Ritter and further in view of Lor et al (USPUB 20040068668), hereinafter referred to as Lor.

Re claims 1 and 2, Cheung discloses tracking a mobile node in a wireless network (abstract). Cheung discloses a wireless node registered to a single AP (*the wireless device associated with a first access point*, column 3, lines 53-56). Cheung discloses each AP constructing a topology table describing the topology of the wireless network around itself (*associating the first access point and a second access point or associating the first access point and a gateway coupled to the second access point together when the first*

*access point and the second access point have an overlapping coverage access, column 7, lines 43-58).* Cheung discloses an AP sending a multicast message to inform all other APs that the sending network node was registered to itself (*transferring information associated with the wireless device to the second access point*, column 8, lines 53-59).

Cheung fails to disclose the network having a plurality of gateways and each gateway coupled to at least one access point. However, Ritter discloses a system where an AP is connected to the network via bridger/routers (element 26, figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cheung to have a gateway coupled to an access point. The motivation to combine is to use the function of a gateway in routing packets between the wireless network and the wired network. Chung and Ritter fail to disclose transferring information associated with the wireless device to the second access point, said transferred information including session parameters relating to communication sessions between the wireless device and the wireless network such that disruption of communication between the wireless device and the wireless network during a turnover of communication with the wireless device from the first access point to the second access point is minimized. Lor discloses session persistency for handoff by transferring session attributes associated with communication session to the new AP so that the client can resume communication immediately without the need of re-authentication (paragraph [0066]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cheung to adopt the function of session persistency for

handoff so that a wireless client would not experience disruption of a communication session with new AP because the handoff would be seamless operation.

*Response to Arguments*

4. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc  
Hong Cho  
Patent Examiner  
6/17/2005

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600